

STATE OF CALIFORNIA

**Energy Resources Conservation
And Development Commission**

In the Matter of:)	Docket No. 01-AFC-19
)	
Application for Certification)	Staff's Prehearing Conference Statement
of SMUD's Cosumnes Power)	
Plant Project)	February 19, 2003
_____)	

On January 22, 2003, the SMUD Cosumnes Committee (Committee) issued a **Notice for a Prehearing Conference** for February 21, 2003. The Notice directed all parties intending to present evidence at the March 13 and 14 hearing to submit a Prehearing Conference statement on February 19, 2003. This is staff's Prehearing Conference statement, identifying staff's witnesses by topic, and a summary of the evidence we will present.

On February 11, 2003, staff filed its Final Staff Assessment (Part 1) (FSA - Part 1), which addressed all technical areas except Biological Resources, Soil and Water Resources, and Alternatives. The FSA includes the names of the witnesses that will be available at hearings to sponsor the individual sections of the FSA. Please note that the Cosumnes Power Plant Project is being proposed in phases, with only the first 500 megawatts being considered for licensing in this proceeding. However, to the extent that information was available, staff addresses both phases of the proposed project in the FSA - Part 1. A full assessment was not possible for three technical areas: air quality, transmission system engineering, and water and soil resources. In addition, when SMUD files for approval of Phase 2, any changes in the project, in applicable laws, or in the environment affected by the project will need to be evaluated. The FSA - Part 1 explicitly addresses the issue of Phase 1 and Phase 2 in the Executive Summary. This issue may need to be discussed at the Prehearing conference.

The Notice also requests that parties include a description of any potential legal issues and a description of the factual evidence potentially in dispute. As staff has not yet seen the testimony of other parties, we do not know whether there are any disputes. We are unaware of any disputes as between SMUD and staff on any of the issues addressed in the FSA - Part 1. We believe there may be concern on the part of intervenors with respect to the FSA - Part 1 areas of noise, visual resources, visible plumes, and traffic.

Finally, we respectfully suggest that the final schedule for hearings provide sufficient time for staff and other parties to have a meaningful opportunity to review other party testimony. We suggest that all other parties (other than staff) be required to file testimony on February 28, 2003. In addition, we request that staff be provided with an opportunity to file supplemental testimony that may be needed to address party testimony. We suggest that such testimony be filed on March 10, 2003.

Date: February 19, 2003

Respectfully submitted,

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